

REMARKS

Applicants have amended claims 1, 3, 7, 9, 11, 16-22, 26, and 28, FIGS. 7A, 7B, 8, and 9, the specification beginning at page 7, line 11, and the Abstract as set forth above. Replacement drawings showing FIGS. 7A, 7B, 8, and 9 are being submitted herewith. No new matter has been added by way of these amendments. In view of these amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has objected to the drawings as allegedly failing to comply with 37 C.F.R. §1.84(p)(5) because they do not include the reference character '41' mentioned in the description (citing to page 9, line 24), and because they include the reference character '54' not mentioned in the description (citing to FIG. 4). Applicants have now amended FIGS. 7A, 7B, 8, and 9 to show element '41,' and amended the specification beginning at page 7, line 11 to positively disclose element '54,' illustrated in the original FIG. 4. Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this objection.

The Office has objected to the Abstract of the disclosure because it does not commence on a separate sheet in accordance with 37 C.F.R. §1.52(b)(4) and required a new abstract of the disclosure presented on a separate sheet, apart from any other text. The Office has also objected to the Abstract for content, language, and format. Accordingly, Applicants have amended the Abstract of the disclosure as set forth above which is now on a new separate page after the claims. Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this objection.

The Office has rejected claim 16 under 35 U.S.C. §112, for insufficient antecedent basis for the limitation "respective steps" in said first plunger member, claim 17 for insufficient antecedent basis for the limitation "respective ledges" in said first plunger member in the claim, and claim 19 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office asserts Applicants claim that following retraction of the first plunger member, the needle mount and needle, said second plunger member and said seal remain at a needle end the barrel thereby preventing refilling and re-use of the syringe, the needle mount is connected to the proximal end of the needle and therefore all elements cannot remain at a needle end the barrel. Further, the Office asserts the

Examiner will interpret claim as meaning that no element can move beyond the end of the barrel, and the phrase “a needle end the barrel” needs to be reworded.

Accordingly, Applicants have amended claims 16 and 17 to correct the antecedent basis issue as set forth above. Additionally, Applicants have amended claim 19 to recite the phrase (emphasis added) “needle end of the barrel,” but otherwise respectfully traverse the Office objection to claim 19. Claim 19 recites (emphasis added), “that following retraction of the first plunger member, the needle mount and the needle, said second plunger member and said seal remain at a needle end of the barrel thereby preventing refilling and re-use of the syringe.” Thus, it is the second plunger member and the seal, and not all elements as asserted by the Office, that remain at a needle end of the barrel, and not the end of the needle itself. Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw these rejections.

The Office has rejected claims 1, 2, 4-8, and 10-13 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,211,628 to Marshall (Marshall), claims 3 and 9 under 35 U.S.C. §103(a) as allegedly being unpatentable over Marshall, claims 14-19 under 35 U.S.C. §103(a) as allegedly being unpatentable over Marshall in view of U.S. Patent Application Publication No. 2003/0158525 to Thorley et al. (Thorley), and claims 20-35 under 35 U.S.C. §103(a) as allegedly being unpatentable over Marshall.

The Office asserts Marshall discloses a plunger for a retractable syringe (10) having a spring (54) and a needle mount (28), said plunger comprising a first plunger member (43) and a second plunger member (66) that are capable of being releasably engageable to co-operatively maintain said spring in an initial compressed state, arranged so that disengagement of said first plunger member and said second plunger member can facilitate decompression of said spring from the initial compressed state when required to force retraction of said first plunger member and said needle mount when engaged therewith, following depression of said plunger to deliver fluid contents of said syringe.

However, Marshall and Thorley, taken alone or in combination, do not disclose or suggest, “said plunger comprising a first plunger member and a second plunger member that are releasably and rotationally engageable to co-operatively maintain said spring in an initial compressed state, arranged so that rotational disengagement of said first plunger member and said second plunger member can facilitate decompression of said spring . . .,” as

recited in claim 1, “said plunger comprising a first plunger member and a second plunger member that are releasably and rotationally engaged to co-operatively maintain said spring in an initial compressed state and are rotationally disengageable to facilitate decompression of said spring . . .,” as recited in claim 7, “wherein the first plunger member and the second plunger member are releasably and rotationally coupled to co-operatively maintain said spring in an initial compressed state and can subsequently be rotatably uncoupled to facilitate decompression of said spring . . .,” as recited in claim 18, “releasably and rotationally engaging a first plunger member and a second plunger member to co-operatively maintain a spring in an initial compressed state,” as recited in claim 20, or “releasably and rotationally engaging a first plunger member and a second plunger member to co-operatively maintain the spring in an initial compressed state,” as recited in claim 26.

Contrary to the Office’ assertions, elements 43 and 66 in FIG. 1 of Marshall are not Applicants’ claimed first and second plunger members, respectively. Instead, element 43 in Marshall is the lower wall of the plunger 38 which is an integral part of the plunger 38 (*see*, col. 2, line 53 of Marshall) and element 66 is a lower terminal end of spring 54 that circumscribes shaft 52 (*see*, col. 3, lines 13-14 of Marshall). Even if the lower wall 43 and lower terminal end 66, asserted by the Office were, for argument’s sake, assumed to be the claimed first and second plunger members, respectively, elements 43 and 66 of Marshall do not releasably and rotationally engage with each other, as claimed. Instead, plunger 38 in Marshall is designed entirely for linear motion along hollow tubular member 12 (as shown by arrows 70 and 76 of FIG. 3, for example) for injecting or retracting a needle, and there are no plunger members as part of the structure of plunger 38 that are releasably and rotationally engaged with each other to co-operatively maintain spring 70 in an initial compressed state, or otherwise. Similarly, Thorley does not disclose or suggest these claim limitations.

In contrast, the Office’s attention is respectfully requested, for example, towards FIG. 1 of the patent application where first and second plunger members are shown as elements 31 and 33, respectively (*see also*, for example, page 6, line 1 of the present application). Additionally, Applicants note for example on page 2 that an advantage of the present invention is that the spring is retained in a compressed state until after the delivery of fluid contents of the syringe, without a user having to compress the spring during plunger depression. This provides a smoother injection feeling to the user during delivery. Another advantage of the rotational mechanisms provided by the present, invention is the overall

length of the syringe can be reduced because the total axial travel of the plunger members is reduced.

Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this rejection of claims 1, 7, 18, 20, and 26. Since claims 2-6 depend from and contain the limitations of claim 1, claims 8-17 depend from and contain the limitations of claim 7, claim 19 depends from claim 18, claims 21-25 depend from and contain the limitations of claim 20, and claims 27-36 depend from and contain the limitations of claim 26, they are distinguishable over the cited references and patentable in the same manner as claims 1, 7, 18, 20, and 26.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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